Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

REPLY COMMENTS, FCC, MM DOCKET 99-325
Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service

Submitted by Thomas DuVal, General Manager, on behalf of James Madison University Board of Visitors, licensee of NCE-FM stations WMRA and WXJM, Harrisonburg, VA, WMRL, Lexington, VA, WMRY, Crozet, VA and W233AA, Winchester, VA.

I am writing to respond to the Federal Communications Commission's Further Notice of Proposed Rulemaking in this proceeding.

James Madison University holds licenses for a regional network of several NPR stations in western and central Virginia, plus a student-operated station. We strongly support the authorization of supplemental audio channel (SAC) capability, or HD Radio multiplexing.

We believe that the use of supplemental audio is integral to our public service and educational missions. It enables us to expand service to audiences that are currently underserved or not served at all.

We have had discussions with a group representing the growing Hispanic population in the Shenandoah Valley who are interested in launching a full-time Spanish language radio service. We haven't been able to find an affordable solution. The SAC capability on our student-operated station would make such a service possible. It would also provide valuable educational and community-building benefits, as students work together with members of the Hispanic community.

Our public radio stations strive to provide two types of service: entertainment that falls outside the mainstream of popular culture but which is still important to many people, such as classical, folk and blues music; and news and information programming designed to inform and advance civic discourse and citizen involvement.

Current analog technology and HD Radio technology *without SAC* limit us to trying to serve both missions on a part-time basis. It is well-known that radio listening is done by formats, and people are more likely to listen to a station with a consistent format all day long. SAC capability would allow us to offer two distinct, full-time services. A consistent "format" doesn't mean a lack of variety. We would be able to expand the breadth and depth of our news and music, offering more variety and diversity so that both formats would appeal to more listeners.

We receive requests almost daily to create or acquire types of programs that we know would effectively serve our missions, but for which there is no time. SAC would in effect give us 48 hours in a day.

SAC capability is also tremendously cost effective compared to acquiring additional frequencies or building new stations to achieve the same ends. In fact, in many parts of the country, including most of the area we serve, there simply is not spectrum for new stations. The resource savings that digital audio multiplexing will afford can be directed into creating better quality program services.

We believe that it will be the availability of new program choices because of supplemental audio, even more than the improved sound quality of HD Radio, which will drive consumer adoption of the technology.

We encourage the Commission to promote policies that provide broadcasters and receiver manufacturers with maximum flexibility to fully realize the benefits of HD Radio technology. The Commission's rules on digital service should not impose greater burdens than currently exist for analog broadcasting. An overly regulatory approach will discourage widespread and rapid adoption of the technology. Therefore we oppose any mandated deadline for implementation of HD Radio and any required minimum amount of high definition audio. We would oppose any FCC mandated limit on the number of audio or data streams a station may offer.

We oppose the levying of any spectrum fees for the use of the SAC, for whatever purposes, since no additional spectrum is being allocated to stations for the implementation of HD Radio or SAC capability.

In conclusion, we strongly support authorization of HD Radio multiplexing to create secondary audio channel capability. The Tomorrow Radio project has demonstrated the feasibility of this model. The strong and continuing growth of public radio's audience during years of decline in overall radio listening indicate Americans' desire for more of the type of public service programming that we provide.

We appreciate the opportunity to offer our views on the Commission's proposals and encourage the FCC to expedite completion of the HD Radio rules with maximum flexibility for licensees as the guiding principle.

Respectfully submitted,

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